

## PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Re Application of

Wilson BURGESS, William N. DROHAN,  
Martin J. MACPHEE and David M. MANN

Serial No.: 10/024,043

: Group Art Unit: 1636

Confirm. No.: 7597

: Examiner: Vera Afremova

Filed: December 21, 2001

For: METHODS OF STERILIZING HEART VALVES

## REPLY TO ELECTION REQUIREMENT

Commissioner for Patents  
Alexandria, Virginia 22313-1450

Sir:

In reply to the Office Action of May 20, 2003 wherein election has been required, Applicants hereby elect the 1) stabilizing process by (c) reducing the temperature of said one or more heart valves to a level effective to protect one or more heart valves from radiation; and 2) the radiation of gamma radiation, with traverse, for prosecution in the above-identified application. It is believed that the claims directed to these two "species" are claims 2, 3, 6-14, 27, 28, 40, 41, 49-53, and 81-88. Claims 2, 3, 6-14, 27, 28, and 82-88 as generic (as confirmed in the Office Action) and claims 39, 40, 41, 49-53 and 81 as directed to the elected "species."

Applicants submit that if any species elected is found allowable, that each of the species subjected to the other portion of the election requirement should be rejoined and in turn allowed. In other words, should the gamma radiation irradiation process be found allowable, each of the stabilizing process species should be rejoined and allowed.

Serial No. 10/024,043

Docket No. CI-0013

It is also respectfully submitted that the subject matter of each of the designated species is sufficiently related that a thorough search for the subject matter of each of the designated species would encompass a search for the subject matter of the remaining designated species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden.

**If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Laura L. Lee, at the telephone number listed below.**

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
FLESHNER & KIM, LLP



Donald R. McPhail  
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Date: June 10, 2003  
DRM TMS 111.dcp

Docket No.: CI-0013

PATENT

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ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D. C. 20231

Dear Sir:

Transmitted herewith is a Reply to Election Requirement in the above identified application.

☒ No additional fee is required.

☐ Also attached:

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	290	290	0	x \$9 =	\$0.00
Independent Claims	8	8	0	x \$42 =	\$0.00
If multiple claims newly presented, add \$280.00					
Fee for extension of time					
<b>TOTAL FEE DUE</b>					<b>\$0.00</b>

☐ Please charge my Deposit Account No. 16-0607 in the amount of \$. An additional copy of this transmittal sheet is submitted herewith.

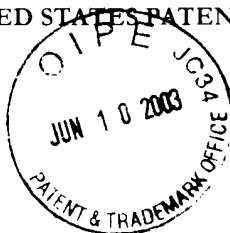
☐ A check in the amount of \$ \_\_\_\_\_ (Check # \_\_\_\_\_) is attached.

☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 16-0607, including any filing fees under 37 C.F.R. 1.16 for presentation of extra claims and any patent application processing fees under 37 C.F.R. 1.17.

Respectfully submitted,  
FLESHNER & KIM, LLP

Donald R. McPhail  
Registration No. 35,811  
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